

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*
State Engineer,

Plaintiff,
v.

ROMAN ARAGON, *et al.*,

Defendants.

6:69-cv-07941-BB

RIO CHAMA STREAM SYSTEM

Rio Cebolla, Section 3

Subfile No.: CHCB-002-0001A

CONSENT ORDER

The Court, having considered the agreement between the Plaintiff State of New Mexico and Defendant(s):

CHARLIE CHACON
GERALDA M. CHACON

concerning the Defendant's right to use the public waters of the Rio Chama Stream System, as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Rio Cebolla, Section 3, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.
3. There is no just reason for delay for the entry of a final judgment as to the elements of the claims of the Defendant(s) adjudicated by this order.

4. The right of the Defendant(s) to divert and use the public waters from the Rio Chama Stream System, Rio Cebolla, Section 3, is set forth below:

A. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer Files No(s) 0636, 2738

Priority: Reserved for future determination by court order entered July 25, 2000.

Source of Water Surface waters of the Rito del Tanque, a tributary of the Rio Cebolla, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: ACEQUIA DEL PINAVETAL

Location: X= 1,587,026 feet Y= 2,028,083 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Section 24, Township 27N, Range 04E, N.M.P.M.

Pt. SE¼	12.8 acres
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Section 25, Township 27N, Range 04E, N.M.P.M.

Pt. NW¼	10.8 acres
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Total	23.6 acres
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As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCB-002-0001A

Amount of Water: Reserved for future determination by court order entered July 25, 2000.

B. NO RIGHT (Surface Water Only):

Office of the State Engineer Files No(s) 0636, 2738

Priority: NONE

Source of Water Surface waters of the Rito del Tanque, a tributary of the Rio Cebolla, a tributary of the Rio Chama.

Purpose of Use: NO RIGHT

Point of Diversion:

Ditch: ACEQUIA DEL PINAVETAL

Location: X= 1,587,026 feet Y= 2,028,083 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Acreage

Section 24, Township 27N, Range 04E, N.M.P.M.

Pt. SE $\frac{1}{4}$

0.7 acres

Total 0.7 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCB-002-0001A

Amount of Water: NONE

C. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer Files No(s) 0636, 2738

Priority: Reserved for future determination by court order entered July 25, 2000.

Source of Water Surface waters of the Rito de la Piedra, a tributary of the Rito del Tanque, a tributary of the Rio Cebolla, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: OLD VALDEZ DITCH

Location: X= 1,580,103 feet Y= 2,022,559 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Section 24, Township 27N, Range 04E, N.M.P.M.

Pt. SE $\frac{1}{4}$

16.9 acres

Total 16.9 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCB-002-0001A

Amount of Water: Reserved for future determination by court order entered July 25, 2000.

D. NO RIGHT (Surface Water Only):

Office of the State Engineer Files No(s) 0636, 2738

Priority: NONE

Source of Water Surface waters of the Rito de la Piedra, a tributary of the Rito del Tanque, a tributary of the Rio Cebolla, a tributary of the Rio Chama.

Purpose of Use: NO RIGHT

Point of Diversion:

Ditch: OLD VALDEZ DITCH

Location: X= 1,580,103 feet Y= 2,022,559 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Acreage

Section 24, Township 27N, Range 04E, N.M.P.M.

Pt. SE¼

2.2 acres

Total 2.2 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCB-002-0001A

Amount of Water: NONE

5. Defendant(s) have no surface water rights in the Rio Chama Stream System, Rio Cebolla, Section 3, other than those set forth in this order and those other orders entered by this Court in this cause.
6. Defendant(s), his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Rio Cebolla, Section 3, except in strict accordance with the water rights described herein.
7. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the waters of the Rio Chama Stream System, Rio Cebolla, Section 3, are as set forth herein. The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Rio Cebolla, Section 3, except in strict accordance with the rights set forth herein or in other orders of the Court.

The Court enters this Consent Order as a final judgment as to the elements of Defendant's waters rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.

Bruce D. Black

UNITED STATES DISTRICT JUDGE

Recommended for approval:

Vickie L. Gabin

SPECIAL MASTER

ACCEPTED: Charlie Chacon
CHARLIE CHACON

ACCEPTED: Geralda M. Chacon
GERALDA M. CHACON

ADDRESS: 1007A South Prince Dr.
Espanola
NM 87532

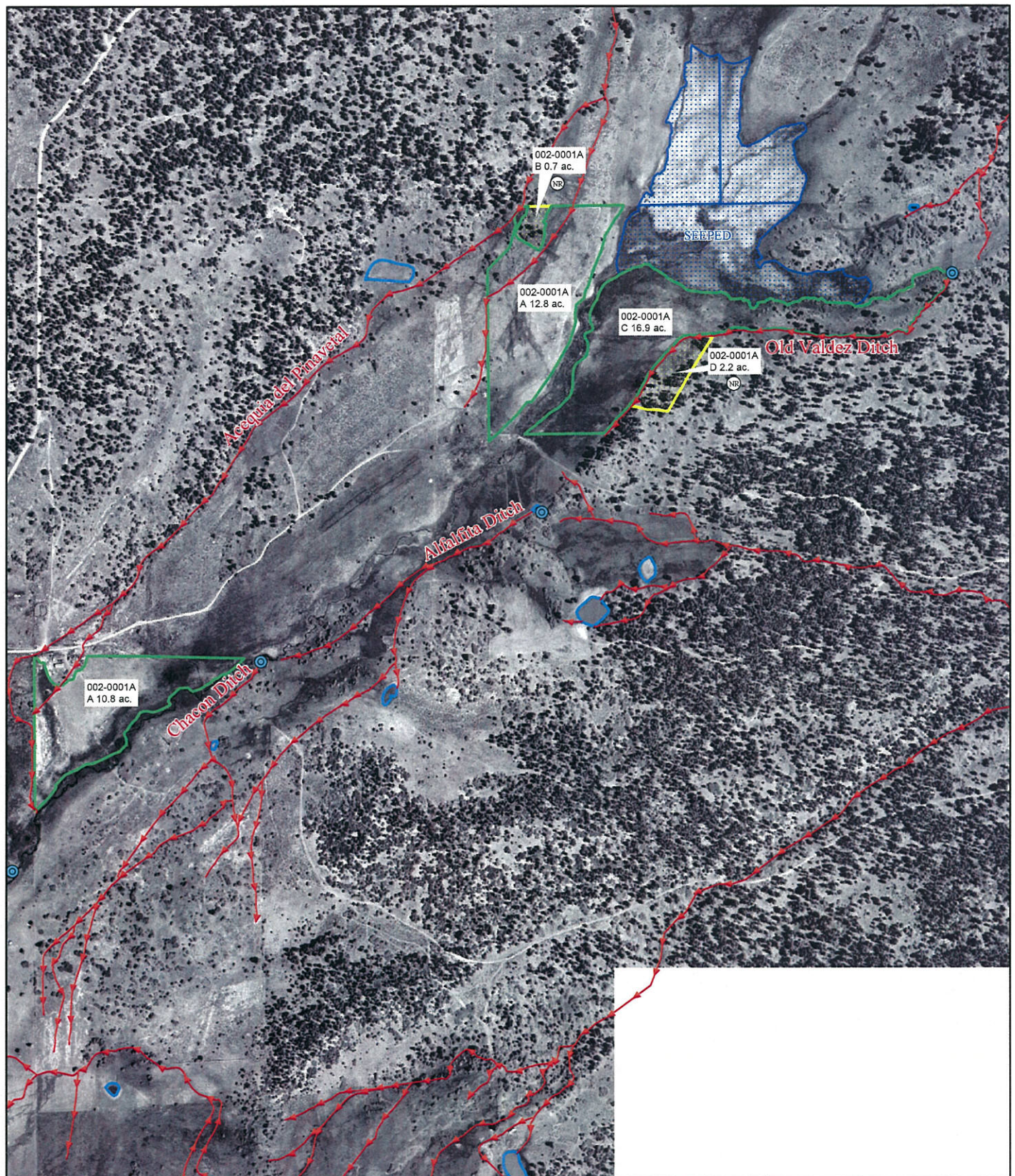
ADDRESS: 1007A South Prince Dr.
Espanola
N.M. 87532

DATE: July 18, 2010

DATE: July 18, 2010

Barbara Brul, Esq. for
EDWARD G. NEWVILLE
Special Assistant Attorney General

7/21/10
Date



LEGEND

- | | |
|--------------------------|--------------------|
| Irrigated Tract Boundary | Point of Diversion |
| No Right Tract Boundary | Well |
| Seeped Area | Spring |
| Operable Ditch | Fallow |
| Inoperable Ditch | No Right |
| Stock Ponds / Reservoir | |



1 inch = 800 feet

0 200 400 800
Feet

STATE OF NEW MEXICO
Office of the State Engineer
John R. D'Antonio, Jr., P.E.,
State Engineer

Rio Chama Hydrographic Survey
Rio Cebolla Section



Subfile Number
CHCB 002-0001A
Acequia del Pinavetal
& Old Valdez Ditch
AMENDED
June 3, 2010